THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.8836 of 2007

Dated:26.04.2007

Between:

N. Hanumanth Rao and others.

..... PETITIONERS

AND

State of Andhra Pradesh,
rep. by its Secretary, Revenue Department,
Hyderabad, and others.

.....RESPONDENTS

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ORDER:

The petitioners are allegedly owners of land admeasuring 3978 sq. yards situated in D.No.5-2-71 (old No.1172) situated near Sub-Jail, Yellandu, Khammam District. The Government claimed the property. The father of the petitioners filed O.S.No.59 of 1992 on the file of the Court of the Junior Civil Judge, Yellandu, for injunction. The same was decreed on 20.10.2000. It appears that on the rear side of the petitioners' land Government granted house site pattas with a separate pathway for ingress and egress. The petitioners allege that on 19.04.2007 during Praja Patham programme, third respondent permitted the pattadars to lay road through their (petitioners') land without following due process of Law. Aggrieved by the same, they filed instant writ petition seeking a writ of Mandamus declaring the action of third respondent granting permission to the assignees to lay the road across the petitioners' land as illegal and arbitrary.

After hearing the learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue (General-T), this Court is of the considered opinion that the writ petition is filed on an apprehension. There cannot be any doubt that if the land is owned by the petitioners, the respondents cannot by themselves or through others lay road through their (petitioners') land without following due process of Law and without acquiring the land. The learned Assistant Government Pleader does not dispute the legal position. Therefore, this Court observes that unless and until due process of Law is followed, the petitioners cannot be deprived of their right to enjoy the land.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

26th April, 2007

ghn